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Kunzler & McKenzie 8 EAST BROADWAY, SUITE 600 SALT LAKE CITY, UT 84111			EXAMINER MUSA, ABDELNABI O	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,063	Applicant(s) CROMER ET AL.	
	Examiner ABDELNABI O. MUSA	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,4,5,10,13,14,16,21-24 and 28-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,10,13,14,16,21-24 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made for the applicant's response and amendment filed on 10/24/2008.

Remarks

2. Claims 2-3, 6-9, 11-12, 15, 17-20, and 25-27 have been canceled from the instant application.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-5, 10, 13-14, 16, 21-24, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith Pub. No. (US 2005/0263591 A1) and in view of Connery et al. Patent No. (US 6,570,884 A1) and further in view of Baudot et al. Pub. No. (US 2002/0107966 A1)

As per **claim 1**, smith teaches an apparatus for verifying an interface address, the apparatus (an apparatus to identify devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIG.5) comprising:

a communication module in electrical communication with a network, the communication module ([0070]; [0096]) configured with an interface address (interface address identifier [0024]; [0030]), wherein the interface address is an Ethernet media access controller address and the communication module is an Ethernet network

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interface card, the communication module further configured to communicate the interface address in response to a query (query command to specify device's location based on their address [0005-0007] FIG. 6); and

a logic module in electrical communication with the communication module, the logic module configured to query the communication module (receive tags to identify devices and configure them among a plurality of devices [0006]; FIG. 1), and to receive the interface address from the communication module (once the programID command is validated, the tag executes the required programming memory [0133]; [0138]), the logic module further configured to determine whether the interface address is invalid,

Smith fails to teach wherein the invalid interface address is selected from an address outside of a specified address range assigned to a manufacturer and an address not of a specified device, and to mitigate an invalid interface address by deactivating the network,

However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1) in order to process or for the processor to efficiently react to the contents of packets, and execute the appropriate instructions, as data is passing through the network interface card (Col.1, line 40; Col.5, line 8; FIG.2)

Moreover, Baudot teaches a method for hosting network connections having a process in an active state and a process in a standby state (outside of range state)

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then replicating status data of a network connection of the active process from an active process to a out of range process wherein during promotion of the out range process to an active state, deactivating the network connection in the active system without closing the connection on the network, transferring the network address to the standby process and activating the corresponding standby connection with that network address ([0010] FIG.4)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Smith by the teaching of Connery and Baudot to select and validate interface addresses outside of a specified range, one would consider deactivating a network connection to validate a new device address to the network and to mitigate the invalid interface address and the processor must efficiently react to the contents of packets, and execute the appropriate instructions, as data is passing through the network interface card (Col.1, line 40; Col.5, line 8; FIG.2)

As per **claim 4**, Smith teaches the apparatus of claim 1 (an apparatus to identify devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 5, 8, 9), wherein the interface address is determined to be invalid if the interface address is a specified error value (error value and validity of tags within the interface address, errors management and data errors [0006]; [0007]; [0070]; [0076])

As per **claim 5**, Smith teaches the apparatus of claim 1 (an apparatus to identify devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 5,

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8, 9), wherein the interface address is determined to be invalid if the interface address is received after a specified time interval (specified time interval and interface address range, master clock interval [0155]; [0199]; [0204])

As per **claim 10**, smith teaches a system for verifying an interface address, the system comprising:

a network ([0024]; [0225]; FIG.1);

an interface device in electrical communication with the network, the interface device configured with an interface address (communication between processing systems though a network [0024]; [0029]; [0033]; [0069]), wherein the interface address is an Ethernet media access controller address and the interface device is an Ethernet network interface card, the interface device further configured to receive a query and to communicate the interface address responsive to the query; and

a verification device in electrical communication with the network (a device to identify devices and verifyID addresses in a network [0170]; [0190]; [0155]; FIGs. 5), the verification device configured to communicate the query to the interface device ([0048]; [0070]; [0096]) and to receive the interface address from the interface device, the verification device further configured to determine whether the interface address is invalid (upon receipt of a valid programID command, the tag executes the required programming memory [0133]; [0138]), wherein the invalid interface address is selected from an address outside of specified address range assigned to a manufacturer and an

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address not of a specified device, and to mitigate the invalid interface address by deactivating the network,

Smith fails to teach wherein the invalid interface address is selected from an address outside of a specified address range assigned to a manufacturer and an address not of a specified device, and to mitigate an invalid interface address by deactivating the network,

However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1) in order to process or for the processor to efficiently react to the contents of packets, and execute the appropriate instructions, as data is passing through the network interface card (Col.1, line 40; Col.5, line 8; FIG.2)

Moreover, Baudot teaches a method for hosting network connections having a process in an active state and a process in a standby state (outside of range state) then replicating status data of a network connection of the active process from an active process to a out of range process wherein during promotion of the out range process to an active state, deactivating the network connection in the active system without closing the connection on the network, transferring the network address to the standby process and activating the corresponding standby connection with that network address ([0010] FIG.4)

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It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Smith by the teaching of Connery and Baudot to select and validate interface addresses outside of a specified range, one would consider deactivating a network connection to validate a new device address to the network and to mitigate the invalid interface address and the processor must efficiently react to the contents of packets, and execute the appropriate instructions, as data is passing through the network interface card (Col.1, line 40; Col.5, line 8; FIG.2)

As per **claim 13**, smith teaches the system of claim 10, wherein the interface address is determined to be invalid if the interface address is a specified error value (error value and validity of tags within the interface address, errors management and data errors [0006]; [0007]; [0070]; [0076])

As per **claim 14**, smith teaches the system of claim 10, wherein the interface address is determined to be invalid if the interface address is equivalent to a second interface address (equivalence technique for query command to determine the validity of the of the tag [0046])

As per **claim 16**, smith teaches a program of executable code stored on a storage device and executed by a processor for verifying an interface address (computer readable media to process data systems [0008]; [0224]), the computer readable code configured to:

query an interface address of an interface device in communication with a network (query command to specify device's location based on their address [0005-0007]; FIG. 6), wherein the interface address is an Ethernet media access controller address of an Ethernet network interface card;

receive the interface address (receive tags to identify devices and configure them among a plurality of devices [0006]; FIG. 1);

determine whether the interface address is invalid (upon receipt of a valid programID command, the tag executes the required programming memory [0133]; [0138]), wherein the invalid interface address is selected from an address outside of a specified address range assigned to a manufacturer and an address not of a specified device; and mitigate the invalid interface address by deactivating the network,

Smith fails to teach wherein the invalid interface address is selected from an address outside of a specified address range assigned to a manufacturer and an address not of a specified device, and to mitigate an invalid interface address by deactivating the network,

However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1) in order to process or for the processor to efficiently react to the contents of packets, and execute the appropriate instructions, as data is passing through the network interface card (Col.1, line 40; Col.5, line 8; FIG.2)

Moreover, Baudot teaches a method for hosting network connections having a process in an active state and a process in a standby state (outside of range state) then replicating status data of a network connection of the active process from an active process to a out of range process wherein during promotion of the out range process to an active state, deactivating the network connection in the active system without closing the connection on the network, transferring the network address to the standby process and activating the corresponding standby connection with that network address ([0010] FIG.4)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Smith by the teaching of Connery and Baudot to select and validate interface addresses outside of a specified range, one would consider deactivating a network connection to validate a new device address to the network and to mitigate the invalid interface address and the processor must efficiently react to the contents of packets, and execute the appropriate instructions, as data is passing through the network interface card (Col.1, line 40; Col.5, line 8; FIG.2)

Claims 21-24, and 28-30 are related to the same limitation set for hereinabove, where the difference used is the phrase 'system' in claim 10 and the phrase computer readable storage medium' in the claim 16 and the phrase 'method' in claim 24 and the phrase 'apparatus' in claim 30 in additional to 'means for...' whereas the wordings of the claims were interchanged within the claim itself and some of the claims were presented as a combination of two or more previously presented claims. This change

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does **NOT** effect the limitation of the above treated claims. Adding these phrases to the claims and interchanging the wording **DID NOT** introduce new limitations to those claims, the citations from the prior art have been inserted as needed. Refer to the references cited for more details and further mapping. Even though claims 21-24, and 28-30 have been differently written from the above treated claims, yet the limitations did not change. As mentioned, claim 21 the same as claim 14, claim 22 the same as claim 4, claim 23 the same as claim 5, claim 24 has the limitations of claims 16, claim 28 the same as claim 4, claim 29 contain the limitation of claims 14, claim 30 was introduced in claims 16, again there is no difference in **limitations** between claims 21-24, 28-30 and the above treated claims, Refer to MPEP on claim format and presentations

Response to Arguments

Applicant's arguments filed 10/24/2008 have been fully considered but they are not persuasive. The amendment submitted by the applicant does not overcome the rejection made by the examiner in the last office action. The applicant's argument has been considered carefully and does not provide the evidence for lack of motivation.

- **Argument**

Applicant recites that the references do not disclose, teach or suggest "an invalid address being an address outside of a specified address range assigned to a manufacturer and mitigating the invalid interface address by deactivating the network"

- **Response to Argument**

In contrary, the cited art teach a method for identifying devices and validity of network addresses in a network using Tag addressing where it Picks an open session then issues a mask for that session, specific enough to probably get only the Tag you are identifying and search for the Tag using Query-ACK until you find that Tag (recognizing it by its complete ePC and CRC) and finally issue the SELECT command. Considering FIG. 8 that shows a method for a Reader to read Tag data from a number of Tags. After broadcasting a query command to verify valid addresses with a Q parameter for Tags in state A (801), a Reader detects any reply from the Tags with handshake data (803). When there is no reply (805), it is determined whether the Q parameter is already equal to zero. If the Q parameter is equal zero and no reply is received in response to the query command, it can be determined that there is no Tag in state A within the range, since any Tag in state A receiving the query command will reply when the Q parameter is equal to zero. If the Q parameter is not already zero, the Reader can reduce the Q parameter to increase the probability of receiving a reply. Upon receipt of a valid ProgramID Command, the Tag executes the appropriate internal timing sequences required to program memory to validate that address (Smith- [0046] [0133] [0109] FIG.8) whereas the design and implementation of the Tags can be characterized in layers. For example, a physical and environmental layer characterizes the mechanical, environmental, reliability and manufacturing aspects of a Tag; selected Tags reply to the SCROLLMFG command that are assigned to any field after the MANUFACTURER field, three classes of commands are provided and supported by manufacturers ([0029] [0125] [0127] FIG.5)

In addition, Baudot teaches a method for hosting network connections in a fault tolerant platform having a process in an active state, a process in a standby state and switchover capabilities for promoting a process in the standby state to an active state. The method includes: replicating status data of a network connection of the active process from an active process to a stand-by process; maintaining for the standby process a corresponding standby network connection updated with said replicated data, and during promotion of the standby process to an active state, deactivating the network connection in the active system without closing the connection on the network, transferring the network address to the standby process and activating the corresponding standby connection with that network address, whereby the promoted standby process does not need to reopen the connection on the network. depending on the validity of the application or device connected. The High availability controller process state machine is synchronized with the IP address migration such that during a switch-over, standby processes become active only after the IP address is active on the device and active processes become standby only after the IP address is deactivated on the device. This can be ensured either by communication between the IP address manager and the application or by having the application 200 check the IP address status before activating any standby connections (Baudot -[0010] [0033] [0053] FIG.1)

The examiner interpreted the claims to its broadest reason interpretation and has taken the language of the claims *As Written*, considering the invention as a whole. Applicant should consider the previously presented prior art from the updated search

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made of record, which is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure and teaches a method for verifying a valid Ethernet Interface Address. See MPEP 707.05(c).

Conclusion

4. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday Thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. M./
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446